IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.RAMKUMAR

WEDNESDAY, THE 20TH DECEMBER 2006 / 29TH AGRAHAYANA 1928

Bail Appl..No. 7530 of 2006()

CRIME NO. 523/97 OF PERINTHALMANNA POLICE STATION

PETITIONER/2ND ACCUSED

ISMAIL, AGED ABOUT 40,
KOLIKKATTIL HOUSE, ARAKKUPARAMBU AMSOM,
PUTHUR DESOM, MALAPPURAM DISTRICT.

BY ADV. SMT.RINCI ANTONY.T
SRI.LEELA NARAYANAN

RESPONDENTS: COMPLAINANT

STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. A.S. SIVAKUMAR

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/12/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

V. RAMKUMAR, J.

Bail Application No. 7530 of 2006

DATED: December 20, 2006

O R D E R

Petitioner who is the 7th accused in Crime No. 523/97 of Perinthalmanna Police Station for offences punishable under Sections 143, 147, 148, 323 and 324 read with Sec. 149 I.P.C., seeks anticipatory bail.

2. The case was tried before the J.F.C.M.-I, Perinthalmanna as C.C. 295/01 Since the petitioner was absconding, the case against him was split up and re-filed as C.C.601/04. C.C. 295/01 is said to have ended in acquittal of all other accused persons. What is now pending before the said Court is C.C. 601/04 against the petitioner.

3. Consequent on the non-appearance of the petitioner before the said court, non-bailable warrant of arrest are pending against him. Anticipatory bail cannot be granted to nullify the process issued by a court of competent jurisdiction. But at the same time the petitioner should be granted an opportunity to surrender before the Magistrate concerned and seek regular bail. Accordingly, if the petitioner surrenders before the Magistrate and files and application for regular bail within ten days from today, the same shall be considered and disposed of preferably on the same day on which it is filed after

examining the explanation offered by the petitioner for his previous non-appearance and also after considering the contention of the petitioner that the co-accused in the case have already been acquitted.

With the above observation this application is disposed of.

Sd/- V.RAMKUMAR,
JUDGE.

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